IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4261 of 2006 (O&M)
DATE OF DECISION: 12.9.2006

New India Assurance Company Ltd.

...Appellant

versus

Gurmukh Singh and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.R.K.Bashamboo, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

This judgment shall also dispose of connected FAO No.4262 of 2006, as both the matters arise out of a common award dated 20.4.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Chandigarh, in MACT No.36 & 37 of 29.4.2004, awarding sums of Rs.11,00,000/- and Rs.7,51,200/- with 7-1/2% interest in two injuries cases, where the claimants have suffered 100% disability.

Learned counsel, though not permitted to agitate the point,

submitted that the interest on the future income should not have been allowed. As the Insurance Company even did not move an application under Section 170 of the Motor Vehicles Act, 1988, to contest the case on merits, it would not be open to agitate the said point. The interest also forms the part of the compensation. Accordingly, we are not inclined to interfere with these appeals.

At this stage, learned counsel submitted that the appellant has moved an application for correction of clerical error in calculation of the award. This judgment will have no bearing on the outcome of the said application.

Hence, both the appeals are dismissed in limine.

**( UMA NATH SINGH )**
**JUDGE**

**September 12, 2006** **( MAHESH GROVER )**
**pk** **JUDGE**